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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/767,297
Filing Date: January 28, 2004
Appellant(s): ROSS ET AL.

Julia Church Dierker, Reg. No. 33,368
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 8, 2010 appealing from the Office action mailed April 8, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1, 5, 6, 8, 10-14, 16-18, and 20.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,526,335	Treyz et al.	02-2003
7,093,194	Nelson	08-2006
5,911,776	Guck	06-1999

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 6, 8, 10-14, 16-18, and 20 are rejected under U.S.C. 103(a) as being unpatentable over Treyz et al (Patent Number 6,526,335 hereinafter Treyz) in view of Nelson (Patent Number 7,093,194 hereinafter Nelson) and further in view of Guck (Patent Number 5,911,776 hereinafter Guck).

In reference to claims 1, 14, and 20, Treyz teaches a method, a computer readable medium, and a system for managing subscriber vehicle data in a vehicle data management system in a computer, comprising: receiving the vehicle data into the vehicle data management system in the computer (col. 37 lines 10-23 and col. 37 lines 55 to col. 38 lines 3); storing the vehicle data in the vehicle data management system in the computer (col. 38 lines 4-19); securing access to data in the vehicle data management system in the computer according to a status based hierarchy by associating specific vehicle data access privileges with individual client statuses, the individual client statuses being selected from the group consisting of subscription service customer (col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31), campaign manager, engineer, data analyst, call center advisor, portal administrator, and fleet manager (col. 35 lines 54-60, col. 37 lines 49-54, and Figure 33); receiving a client data request from a client via a requesting device (col. 72 lines 38-55, col. 80 lines 22-36, and col. 83 lines 15 to col. 84 lines 31); determining a client identity in the vehicle data management system in the computer based on the client data request, the client

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identity including a position of the client in the status based hierarchy and a class of the requesting device of the client (col. 35 lines 54-60, col. 37 lines 49-54, col. 43 lines 33-59, col. 48 lines 43-60, col. 66 lines 21-47, col. 80 lines 57-64, col. 81 lines 15-31, and Figures 33, 44, and 45), wherein the requesting device class is selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units (col. 1 lines 38-46, col. 33 lines 6-61, and col. 34 lines 36-46); and providing targeted vehicle data from the vehicle data management system in the computer to the client responsive to the data request (col. 35 lines 54-60, col. 37 lines 34-54, col. 43 lines 33-59, col. 48 lines 43-60, col. 58 lines 24-46, col. 59 lines 21 to col. 60 lines 67, col. 62 lines 61 to col. 63 lines 11, col. 64 lines 23-67, col. 66 lines 21-47, col. 80 lines 57-64, col. 81 lines 15-31, and Figures 33, 36, and 69).

Treyz does not specifically teach building, via the vehicle data management system in the computer, a data format template for each client device class associated with the vehicle data management system based on the status based hierarchy, the client device class selected from the group consisting of personal computers, personal digital assistants, cell phones, and vehicle telematics units (Note: the whether a vehicle data management system is used for building the template does not further limit the method step of building a template, so it is not being given weight, and any computer that is used to build a template can meet this limitation); retrieving targeted vehicle data from a data source in operative communication with the client data management system for responding to the client data request, the retrieved targeted vehicle data being based on the client's individual client status in the status based hierarchy; formatting, via

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the vehicle data management system in the computer, the retrieved targeted vehicle data according to the data format template that corresponds with the identified client's requesting device class and position in the status based hierarchy; and providing the formatted targeted vehicle data to the client.

Nelson teaches building, via a computer, a data format template based on the status based hierarchy for display on a client computing device (col. 3 lines 23-38, col. 7 lines 17-23, col. 10 lines 11-14, col. 13 lines 4-16, col. 13 lines 62 to col. 14 lines 58, and Figures 10-19, 32, 33, and 35); retrieving targeted data from a data source in operative communication with the client data management system for responding to the client data request, the retrieved targeted data being based on the client's individual client status in the status based hierarchy (col. 7 lines 24 to col. 8 lines 67 and Figures 32 and 33); formatting, the retrieved targeted data according to the data format template that corresponds with the identified client's position in the status based hierarchy (col. 10 lines 12-29 and Figures 1-10); and providing the formatted targeted data to the client (col. 13 lines 50-51, col. 14 lines 39-48, and col. 15 lines 11-20, and Figures 32, 33, and 35). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Treyz to include building, via a computer, a data format template based on the status based hierarchy for display on a client computing device; retrieving targeted data from a data source in operative communication with the client data management system for responding to the client data request, the retrieved targeted data being based on the client's individual client status in the status based hierarchy; formatting, the retrieved targeted data according to the data format template

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that corresponds with the identified client's position in the status based hierarchy; and providing the formatted targeted data to the client to prevent users from accessing confidential information that they are authorized to access.

Guck teaches formatting and presenting data based on the type of client device that is being used (abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6 lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Treyz to include formatting and presenting data based on the type of client device that is being used to prevent the creation of multiple versions of files for various client devices (Note: whether the type of data is vehicle data or any other data does not change the step of formatting and presenting the data and does not further limit these steps).

In reference to claim 4, Treyz teaches the method wherein the targeted vehicle data is configured to be retrievable through a web hosting portal (col. 38 lines 20-65 and col. 39 lines 8-15).

Treyz does not specifically teach formatting the targeted data. Guck teaches formatting and presenting data based on the type of client device that is being used (abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6 lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Treyz

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to include formatting and presenting data based on the type of client device that is being used to prevent the creation of multiple versions of files for various client devices.

In reference to claim 5, Treyz teaches the method wherein the targeted vehicle data is configured to be retrievable through a voice-enabled web hosting portal (col. 3 lines 21-28 and 50-54, col. 13 lines 38-51, col. 22 lines 35 to col. 23 lines 2, and Figures 74-92 and 114-121).

Treyz does not specifically teach formatting the targeted data. Guck teaches formatting and presenting data based on the type of client device that is being used (abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6 lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Treyz to include formatting and presenting data based on the type of client device that is being used to prevent the creation of multiple versions of files for various client devices.

In reference to claims 6 and 16, Treyz teaches the method and computer readable medium wherein determining the client identity comprises: parsing the client data request for client identity data (col. 15 lines 9-27, col. 30 lines 25-53, and col. 32 lines 28-54).

In reference to claims 8 and 17, Treyz teaches the method and computer readable medium wherein providing the targeted vehicle data comprises: instantiating a communication portlet that is associated with the determined requesting device class (col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69), client identity

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(col. 15 lines 9-19 and col. 30 lines 25-65), and client status (col. 35 lines 54-60, col. 37 lines 49-54, col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31, and Figure 33); and populating the communication portlet with the retrieved vehicle data (col. 35 lines 9-67, col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69).

Treyz does not specifically teach formatting the targeted data. Guck teaches formatting and presenting data based on the type of client device that is being used (abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6 lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Treyz to include formatting and presenting data based on the type of client device that is being used to prevent the creation of multiple versions of files for various client devices.

In reference to claim 10, Treyz teaches the method wherein the targeted vehicle data includes advertisements that are selected based on the requesting device class (col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69), status (col. 35 lines 54-60, col. 37 lines 49-54, col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31, and Figure 33), and identity of the client (col. 15 lines 9-27, col. 30 lines 25-53, col. 32 lines 28-54, and col. 35 lines 9-67).

Treyz does not specifically teach formatting the targeted data. Guck teaches formatting and presenting data based on the type of client device that is being used (abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6 lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-

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62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Treyz to include formatting and presenting data based on the type of client device that is being used to prevent the creation of multiple versions of files for various client devices.

In reference to claim 11, Treyz teaches the method wherein the targeted vehicle data includes analytical data that are selected based on the client request (col. 16 lines 65 to col. 17 lines 13 and col. 38 lines 20-45).

Treyz does not specifically teach formatting the targeted data. Guck teaches formatting and presenting data based on the type of client device that is being used (abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6 lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Treyz to include formatting and presenting data based on the type of client device that is being used to prevent the creation of multiple versions of files for various client devices.

In reference to claims 12 and 18, Treyz teaches the method and computer readable medium wherein retrieving targeted vehicle data is accomplished by requesting the vehicle data from a vehicle communications unit of a vehicle that is identified by the client data request (col. 37 lines 34 to col. 38 lines 54).

In reference to claim 13, Treyz teaches the method wherein the targeted vehicle data is selected from the group consisting of subscription service data, vehicle operating

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data, vehicle maintenance data (col. 38 lines 20 to col. 39 lines 15), and vehicle lease data.

(10) Response to Argument

Applicant argues that Treyz does not teach that the client's individual client status in a status based hierarchy is used to determine which vehicle data is accessed to provide the client's targeted vehicle data. The Examiner respectfully disagrees with the Applicant and would like to point the Applicant to col. 35 lines 54-60, col. 37 lines 34-54, and Figure 33 where Treyz teaches providing fleet managers access to specific vehicle data about different drivers using a web-based approach where the information can be placed under password control to protect the privacy of the user. Treyz further teaches that this approach may be used for fleet managers who wish to monitor the driving behavior of fleet drivers. Clearly one driver is not going to be allowed to view the data of another driver. It is the fleet manager, who based on his status of a manager, has access to the data for each of his drivers to monitor drivers on probation for example due to previous driving infractions. So, Treyz teaches that the client's individual client status in a status based hierarchy is used to determine which vehicle data is accessed to provide the client's targeted vehicle data. Treyz also teaches that the client's individual client status in a status based hierarchy is used to determine which vehicle data is accessed to provide the client's targeted vehicle data in the context of giving parents access to data regarding their children speeding in the car and the parents being given an opportunity to direct the automobile personal computer to monitor the

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speed to the automobile being driven by the child relative to the speed limit or a consumer receiving data if his car has been moved after having been left with a parking attendant or valet (col. 35 lines 9-53).

The Applicant also argues that the drivers also have access to information in Treyz like the fleet managers. While this may be the case, a particular driver has access to his information only. Whereas, the fleet manager has access to information about all of his fleet drivers (col. 35 lines 54-60), because of the fleet manager's status in the hierarchy. Contrary to Applicant's assertion, it's not that the password protection just prevents one user from seeing another user's information, but rather that when a fleet manager accesses the information via his password, he has access to information about all of his fleet drivers. On the other hand, when a particular fleet manager uses his password to access information, he only has access to his own information and not of other fleet drivers.

In regard to Nelson, the Applicant argues that the templates created in Nelson by the user is not based upon an in-place status based hierarchy, but rather is based upon the individual user's determination regarding the report he/she is generating. The Examiner respectfully disagrees, since Nelson teaches building, via a computer, a data format template based on the status based hierarchy for display on a client computing device (col. 3 lines 23-38, col. 7 lines 17-23, col. 10 lines 11-14, col. 13 lines 4-16, col. 13 lines 62 to col. 14 lines 58, and Figures 10-19, 32, 33, and 35). Specifically, Nelson teaches that a sales manager can create a report of sales per geographic region for sales representatives of the company (i.e. based on their jobs as sales representatives

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for that company, they will be viewing data pertaining to their sales in that region), or a report listing sale items available to specific customers. A plant manager can create a report listing current inventory levels and grant access to suppliers. These reports are therefore being created based upon the status of the viewer in a hierarchy, since for example, only a user in the Oregon Supply Chain user group can view the sales data associated with unit sales made with their store.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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